



U.S. DEPARTMENT OF JUSTICE

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Via E-Mail only

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Re: June 16, 2021 *Touhy* request, *In re: Terrorist Attacks on September 11, 2001*
No. 1:03-md-01570-GBD-SN (S.D.N.Y.)

Dear Counsel:

The Federal Bureau of Prisons ("BOP"), a component of the U.S. Department of Justice ("DOJ"), received your June 16, 2021 *Touhy* request, seeking the disclosure of information contained in BOP records in connection with the above-referenced case. *See Touhy* regulations, 28 C.F.R. §§ 16.21, *et seq.*; *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951). This letter responds to that *Touhy* request and the accompanying subpoena.

Please be advised that the U.S. Attorney's Office for the District of Colorado, with the concurrence of BOP and in compliance with DOJ's *Touhy* regulations, has authorized the disclosure of the following information:

On April 13, 2021, Moussaoui received a visit from two FBI Special Agents as part of the standard renewal-assessment procedures provided to all inmates with Special Administrative Measures (“SAMs”). Moussaoui has had no other visitors in 2021.

No other information is authorized for release. All objections to the subpoena served on BOP on June 20, 2021, are hereby reserved.

Finally, I would like to address a statement in your June 16, 2021 *Touhy* letter in which you represent that Moussaoui has “sent us several letters regarding issues in the [above-referenced] litigation. We received another such letter dated February 5, 2021.” As you may know, to facilitate the government’s interest in protecting national security, Moussaoui is subject to SAMs, which among other things limit the persons outside the prison with whom Moussaoui is authorized to communicate. *See* 28 C.F.R. § 501.3. The BOP has no record of Moussaoui sending any letters to you, including any letter dated February 5, 2021. Neither does the BOP have any record of a current modification to Moussaoui’s SAMs that would allow him to correspond with you.

In order for the United States to ensure that the SAMs are properly enforced, we request that you provide us with information regarding all correspondence you have received from Moussaoui, including the dates of the correspondence, the individual(s) to whom Moussaoui directed the correspondence, and the method(s) used to transmit the correspondence to you. You may send this information to me at my email address: susan.prose@usdoj.gov.

Thank you for your consideration and professional courtesy.

Sincerely,

s/ Susan Prose

Susan Prose

Assistant United States Attorney

cc: Sarah Normand, Assistant United States Attorney